IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14812 of 2004

Between:

K.Linga Reddy S/o. Venkata Reddy
Deputy Director Central Institute of Tool Design,
Balanagar, Hyderabad.

..... PETITIONER

AND

1 The Government of India rep. by its Secretary to the Government
Ministry of Industries Udyog Bhawan, New Delhi-110 001.
2 The Chairman Central Institute of Tool Design and Addl. Secretary
Cum Development Commissioner (SSI) Ministry of Small Scale Industries
Government of India, 7th Floor, Nirman Bhavan, New Delhi.
3 The Principal Director Central Institute of Tool Design,
Balanagar, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Certiorari calling for the records relating to the order issued by the 3rd respondent in Ref.CITD/ESTB/3/2004 dated 11.8.204 and set aside the same as illegal, arbitrary, unjust and discriminatory and further declare that the petitioner's Voluntary retirement application is deemed to have been accepted w.e.f. 30-6-2004 and direct the respondents to release all the voluntary retirement scheme benefits to the petitioner immediately in the interest of justice.

Counsel for the Petitioner:MR.D.RAMAKRISHNA

Counsel for the Respondent Nos. 2 and 3: SMT.P.MADHAVI DEVI
Counsel for the Respondent No.1: Mr. A. Rajashekara Reddy (SC for CG)

The Court made the following :

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ORAL ORDER:

Heard both sides and at their request the writ petition itself is taken up for disposal.

The petitioner challenges the impugned order dated 11.8.2004. His main grievance in this writ petition is that even though this court had given a specific direction in W.P.No.13433 of 2004 dated 2.8.2004 to consider his case for Voluntary Retirement Scheme, the same was not considered.

A perusal of the impugned order would go to show that the respondents have neither considered the VRS application of the petitioner nor the orders issued by this court earlier in the said writ petition. It is submitted by the learned counsel for the petitioner that without considering the VRS application of the petitioner dated 7.1.2004, the respondents passed the impugned orders.

In the circumstances, the writ petition is allowed and the impugned order dated 11.8.2004 is set aside and the matter is remitted back for reconsideration afresh in terms of the directions issued by this court in the earlier writ petition and the applications filed by the petitioner in support thereof. The respondents are directed to

pass fresh orders on merits in accordance with law, after giving opportunity to the petitioner. No order as to costs.

28.12.2004

CVM

To,

The Government of India rep. by its Secretary to the Government
Ministry of Industries Udyog Bhawan, New Delhi-110 001.

2 The Chairman Central Institute of Tool Design and Addl. Secretary
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